

MASTP105US

Remarks

This is responsive to the Office Action mailed April 20, 2005. A petition for a three month extension is filed herewith along with the appropriate fee.

A fee for additional claims is also filed herewith.

Initially, the courtesy of Examiner Jennifer Novosad in conducting a personal interview with Applicant's undersigned Attorney on September 27, 2005, is noted with appreciation. During the interview the concept expressed in amended claim 1 herein was discussed. The invention, as is pointed out in claim 1, includes retaining members that have a hookless coupling segment conformal to the channel, and the legs of a retaining member can be urged together to insert or to remove the hookless coupling segment relative to the channel to couple the retaining member to the housing or to remove it from the housing. Agreement was not reached during the interview. However, Examiner Novosad suggested that a claim along the lines of claim 1 as amended herein appeared to distinguish over the applied references.

The application includes claims 1-4, 6-24, and 26-38. Claims 16-23 have been allowed. Claim 10 had been objected to; claim 10 has been amended to independent form and now is believed to be allowable. Claims 27-38 are new herein.

New claims 30-37 depend directly or indirectly from claim 10 and should be allowable in view of the allowability of claim 10 and in view of the additional features pointed out in these new claims.

Withdrawal of the rejection of claims 1, 3, 4, 6-9, 11, and 12-15 under 35 USC 102(b), as being clearly anticipated by Drower et al. 5,779,066, respectfully is requested.

MASTP105US

Claim 1 points out that the retaining members comprise " a pair of legs flexibly connected to each other at a curved portion that resiliently urges the legs apart...". Also, claim 1 points out, "the legs of a retaining member being movable resiliently to close proximity to each other for insertion of the hookless coupling segment into the channel and for rotation therein to place the hookless coupling segment in retaining relation to the channel." Attention is invited to Fig. 7 of the patent application. In Fig. 7 of the instant patent application a retaining member 18 is illustrated in several orientations or conditions: straight in solid line, in phantom being partially bent, and in phantom being more fully bent, as one moves through Fig. 7 from left to right toward the housing 12. In the right-most configuration, the hookless coupling segments 19a, 19b are in close proximity to each other so that they can be inserted into the channel 14 of the housing 12. After being inserted, the retaining member can be rotated, as is represented by the somewhat circular arrow in Fig. 7 in the channel 14 so that the hookless coupling segments 19 achieve orientation shown in Fig. 8 to cooperate with the channel portions for retention in the housing.

Drower '066 does not illustrate such a relationship between retaining members and housing of an organizer. In Drower '066 the housing has a rib 41 and the retainer loops 51 have a notch 59 at each connecting end. The notch is intended to receive the rib. With the rib 41 in the Drower '066 housing, it is not possible for the retainer loop 51 to cooperate with the housing in the manner set forth in claim 1 of the instant patent application, as was described just above. For example, the retainer loops 51 cannot be rotated. Accordingly, the subject matter of claims 1, 3, 4, 6-9, 11, and 12-15 is not anticipated by Drower '066, and such rejection should be withdrawn and these claims allowed.

Withdrawal of the rejection of claims 2 and 5 under 35 USC 103(a) as being unpatentable over Drower et al. '066 also is respectfully requested for the above reasons and for the following reasons. The two different size areas defined in claim 2 may provide a number of advantages such as, for example, facilitating insertion and/or

MASTP105US

removal, strength, rigidity, etc. Drower '066 does not disclose the subject matter of claim 1, as was discussed above, or of claim 2 with its additional recitation concerning the characteristics of the divider partitions and the different size areas.

Claim 5 has been canceled.

For the above reasons, the subject matter of claim 2 is not prima facie obvious in view of the Drower '066 patent; therefore, the rejection of claim 2 should be withdrawn and the claim allowed.

Withdrawal of the rejection of claims 24–26 under 35 USC 102(b) as being anticipated by Drower et al. 5, 915,573, respectfully is requested for the following reasons. Claim 24 discloses a method of assembling an organizer that includes retaining members with hookless coupling segments. The hookless coupling segments portion of respective legs can be inserted into a channel of a housing, and the retaining member can be rotated to couple the hookless coupling segments in the channel thereby to hold the retaining member in the channel. Drower '573 discloses an organizer in which loops have hooks formed by notches 61, 121 that cooperate with reversely curved portions 105 that define the interior portion of the housing. The nature of the Drower '573 design precludes the possibility of inserting a loop, as Drower calls it, a retaining member, as is pointed out in the claims of the instant application, into a housing and rotating the retainer in the manner that is particularly pointed out and distinctly claimed in claims 24 and 26 (claim 25 has been canceled). There is no disclosure or suggestion in Drower '573 to effect that rotating function. In Drower, as is described at column two the paragraph beginning about line 50, the retainer loops 51 are installed in the housing 29 before the end walls 39 are installed on the housing; they are slid along the channel -- not rotated.

MASTP105US

For the above reasons, then , the subject matter of claims 24 and 26 (claim 25 was canceled) is not anticipated by Drower '573; and the rejection should be withdrawn and such claims allowed.

The additional prior art that was cited of record, but was found applied, has been noted. As the Examiner appreciates, such prior art is more remote from the subject matter that is particularly pointed out and distinctly claimed in the claims of this application than the above-discussed applied references.

Conclusion

All issues raised in the Office Action of April 20, 2005 have been addressed above. It is believed that this application now is in condition for allowance, and an early Action indicating the same respectfully is requested.

If the Examiner has any questions, she is invited to telephone Applicant's Attorney at the number below.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

Date 10/19/05

By Warren A. Sklar
Warren A. Sklar, Reg. No. 26,373

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
PH: (216) 621-1113
FAX: (216) 621-6165

Z:\SEC113\WAS\MASTP105us_resilient_organizer\Amd_1_a.wpd